

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

Chad Fox, individually and on behalf of )  
all others similarly situated, )

Plaintiff, )

v. )

No. 1:14-cv-715-DML-RLY

Resurgent Capital Services, LP, a )  
Delaware limited partnership, and )  
PYOD, LLC, a Delaware limited liability )  
company, )

Defendants. )

**JOINT MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT AGREEMENT**

Plaintiff, Chad Fox, and Defendants, Resurgent Capital Services LP, and PYOD, LLC, submit this Joint Motion, pursuant to Fed. R. Civ. P. 23, for preliminary approval of the Class Action Settlement Agreement. In support of this motion, the parties state:

1. A Class Action Settlement Agreement, dated August 20, 2014, and attached as Exhibit 1, has been entered into by the parties.
2. The proposed Class Notice is attached as Exhibit 2.
3. The proposed Order Granting Preliminary Approval of the Class Action Settlement Agreement is attached as Exhibit 3.
4. The parties represent to the Court:
  - A. that the proposed settlement was reached through arms-length negotiations between Plaintiff's Counsel and Defendants' Counsel;

- B. that the proposed settlement is fair, reasonable and adequate to the members of the Class in light of the alleged violation by Defendants of the FDCPA; and,
- C. that the Settlement Agreement represents the compromise of disputed claims, that it in no way constitutes an admission of liability by Defendants with respect to any of the material allegations in the Complaint, and that Defendants specifically deny that their actions constitute a violation of the FDCPA to any extent whatsoever.

5. Plaintiff's Counsel represents to this Court that they are able, experienced and well-qualified to evaluate the fairness of the proposed settlement on behalf of the members of the Class and that Counsel are in favor of this Motion. The Declaration of Plaintiff's Counsel, David J. Philipps, setting forth his experience and qualification is attached as Exhibit 4.

WHEREFORE, the parties request that this Court grant preliminary approval to the Class Action Settlement Agreement and enter the order attached as Exhibit 3.

Dated: August 20, 2014

Plaintiff's Counsel,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2014, a copy of the foregoing **Joint Motion For Preliminary Approval Of Class Action Settlement Agreement** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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